

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15342 of Mount Clare Properties, pursuant to 11 DCMR 3108.1, for a special exception under Section 2107 to allow a reduction in the required number of parking spaces due to a direct connection between the proposed structure and an operating Metrorail Station for the proposed construction of two mixed-use office/retail buildings in a C-M-3 District at premises 600 and 700 2nd Street, N.E., (Square 720, Lots 174 and 175).

HEARING DATE: September 12, 1990
DECISION DATE: October 3, 1990

FINDINGS OF FACT:

1. The property is bounded by 2nd Street on the east, F Street on the south, the railroad right-of-way and to Union Station to the west, and the H Street Overpass to the north, and is known as 600 and 700 2nd Street, N.E. It is zoned C-M-3.

2. The property is irregularly shaped and contains a total lot area of approximately 240,652 square feet or 5.5 acres.

3. The property is currently improved with a vacant train equipment storage and maintenance shed and a surface parking lot.

4. The neighborhood is characterised by a mix of uses. The area surrounding the site to the north and west is zoned C-M-3 and is developed with the Union Station complex and the railroad right-of-way. To the east of the site is an R-4 District primarily developed with moderate density residential uses. The site is located in close proximity to the U.S. Capitol grounds and other major federal buildings within walking distance to the south and west of the site. There are low-to moderate neighborhood commercial uses along H Street and at Massachusetts Avenue and 2nd Street, N.E. There are several institutional facilities interspersed throughout the area.

5. The C-M-3 District permits commercial and light manufacturing uses to a maximum height of 90 feet. The C-M-3 District requires one parking space for each 800 gross square feet of office space. With the exception of parking, the proposed buildings comply with all the use and area requirements of the C-M-3 District.

6. The applicant proposes to construct two office buildings on two record lots as part of the "Station Place" project to be developed in five phases over a period of ten years. The combined gross floor area of the two buildings would be approximately 1,443,910 square feet. The required number of parking spaces would

be 2,097. The applicant proposes to provide 833 self-parking spaces to serve both structures in a two-level underground garage. In addition, the applicant proposes to provide 77 self-park, public vault spaces for a total of 910 parking spaces.

7. The applicant is seeking special exception relief pursuant to 11 DCMR 2107 to reduce the amount of parking spaces required for the proposed office buildings. Section 2107 authorizes the Board to reduce or eliminate the required parking for non-residential buildings located outside the Central Employment Area provided such buildings provide a direct connection to a Metrorail station currently in operation or for which a construction contract has been awarded if the required parking is deemed not necessary to serve the use to consideration of the following:

- a. The nature and location of the building or structure and the nature and location of the connection to Metrorail;
- b. The maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one (1) time;
- c. The amount of traffic congestion existing or which the building or structure can reasonably be expected to create in the neighborhood;
- d. The quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood which can reasonably be expected to be available when the building or structure is in use; and
- e. The availability of public transportation service in the area, or a ride-sharing program approved by the District of Columbia Department of Public Works.

8. The project is proposed to be directly connected to Union Station within which the Union Station Red Line Metrorail Station is located. The applicant has entered into an easement agreement with the Union Station Redevelopment Corporation which grants the applicant the right to connect to the Union Station Metrorail Station.

9. The proposed connection will provide uninterrupted access from any portion of the proposed office buildings by way of covered pedestrian arcades running the full length of the west side of the project. Neighborhood residents will have access to the proposed connection from a covered, exterior pedestrian walkway along F Street.

10. The nature of the proposed office building use is more typical of the marketing and operational characteristics of an office building located in a C-3-C or C-4 District. The parking

requirement for office space in the C-3-C District would be one parking space for each 1,800 gross square feet of office use. Under the C-3-C requirements, the proposed project would require 802 parking spaces. The applicant testified that the market demand for the proposed office use is more consistent with the nature of projects in the C-3-C District than the industrial nature of the C-M-3 zoning of the subject site.

11. The primary access to the proposed parking garage will be by way of a proposed elevated street, known as Station Place Drive, to be constructed along the western property line of the subject site. Station Place Drive provides site access to and from H Street; connects H Street with both the Union Station parking ramp and F Street, N.E.; and serves as the destination point for short-term delivery vehicles. Access from the H Street overpass to Station Place Drive will be provided from the beginning of the construction of the project so that the majority of private and service vehicles would arrive at the site from H Street via Station Place Drive, thus limiting project-related traffic on 2nd Street.

12. A secondary access to the parking garage will be located on 2nd Street. Use of the 2nd Street entrance will be limited to visitors and non-peak hour traffic and controlled operationally. The provision of the 2nd Street access is necessary for life-safety reasons.

13. An at-grade, private service alley will be provided beneath Station Place Drive inside the proposed development. The service alley will provide access to seven 12' by 30' loading berths and five 10' by 20' service delivery spaces. The loading facilities have been designed so as to permit access from the H Street Tunnel if the Tunnel is reopened in the future.

14. Union Station is accessible to a number of transportation modes in addition to Metrorail. Inter-city and commuter rail trains operated by Amtrak and the Maryland Area Rail Commuter (MARC), nineteen Metrobus routes, and private commuter buses from Maryland and Virginia arrive at Union Station.

15. The applicant's traffic expert testified that the projected mass transit modal split is anticipated to be at least 50 percent given the superior mass transit availability provided at Union Station based on the 1989 Washington Metropolitan Area Transit Authority (WMATA) Ridership Survey.

16. The applicant proposes to implement a Transportation Management Plan, marked as Exhibit No. 35F of the record, upon completion of the project. The major objectives of the Transportation Management Plan are to inform tenants and employees of the various commute options available, and to provide marketing and direct assistance to individuals choosing commute options,

including public transportation and ridesharing. The Transportation Management Plan would begin implementation prior to initial building leasing and extend throughout the life of the project.

17. The connection of the project to Union Station will help contribute to District of Columbia revitalization efforts in the immediate area and will boost mass transit ridership by a minimum of 1400 workers daily. The 910 parking spaces proposed for the project will be sufficient to accommodate parking demand by both employees and visitors to the site.

18. The Station Place project is in the process of being reviewed by the city under the Large Tract Review requirements. Under the Large Tract Review process, the entire scope of the project including transportation issues, is reviewed by the Office of Planning and other appropriate District agencies. The subject project has been under this review procedure since August of 1989 and has received substantial government and community input during the review period.

19. The applicant is currently preparing an Environmental Impact Assessment related to such concerns as the site's soil condition, the surrounding air quality, water capacity, and noise levels. The EIA must be completed prior to the issuance of construction permits.

20. The Commission of Fine Arts is reviewing the project based on the provisions of the Shipstead-Luce Act. The design, scale, and compatibility of the project have been modified during the review process in response to the Commission's concerns.

21. The Office of Planning (OP), by memorandum dated September 5, 1990, recommended approval of the application. The OP was of the opinion that the applicant complied with the intent of the Zoning Regulations and that the proposal would not impair the purpose and intent of said regulations if approved with the following conditions:

- (a) Reasonable and continuous effort should be made by the applicant to implement the Transportation Management Plan;
- (b) Project-related traffic using the 2nd Street garage entrance, should be restricted to visitors and non-peak hour commuter traffic;
- (c) A direct connection to the H Street overpass should be accomplished during the initial phase of the project to provide access to the site for construction workers and ultimately for tenants. A connection should be

maintained as the primary automobile access/egress point throughout the life of the project; and

- (d) A direct connection to Union Station should be accomplished.

22. The Department of Public Works (DPW) by memorandum dated September 5, 1990, supported the application based on the scarce available street capacity in the area, the excellent location of the project with respect to mass transit, and the following recommended roadway improvements:

- a. Reopen the Old H Street underpass between 1st and 2nd Streets, N.E. at the beginning of the development construction to provide access for construction vehicles. The underpass should be completed to D.C. Standards and open to public transportation (pedestrians and vehicles) prior to the occupancy of the first building.
- b. Widen the 2nd Street, N.E. travelway on the west side between F and H Streets to a total of 44 feet as each building is occupied.
- c. Construct a two lane, two directional ramp in the middle of H Street, from 3rd Street, N.E. to 2nd Street, N.E., to provide access to the previously completed H Street underpass. This ramp is to be completed and opened to traffic prior to the occupancy of the second building.
- d. Station Place Drive shall be constructed in its permanent location and provide continuous access to traffic once it is open.

23. The Metropolitan Police Department ("MPD"), by memorandum dated July 24, 1990, was of the opinion that the request for a decrease in parking would neither adversely affect the public safety in the area nor create an increase in the demand for police services. Accordingly, MPD does not oppose the request.

24. Advisory Neighborhood Commission (ANC) 2C, by letter dated September 11, 1990, indicated that it lost a quorum prior to taking action on this case. With seven Commissioners present and voting, the ANC supported the proposed reduction in parking. The ANC was of the opinion that the proposal would help to keep increased traffic in a residential area to a minimum. The ANC further indicated that this action does not change the position of the ANC in opposing the project as a whole due to its size, massing, and potential impact on an existing residential neighborhood.

25. The Capitol Hill Restoration Society, the Stanton Park Neighborhood Association and the Capitol Hill Task Force did not

oppose the proposed reduction in parking subject to conditions generally as outlined by the OP and DPW reports. Concern was expressed that the proposed conditions and proposals were below the standards of other jurisdictions, without enforcement mechanisms, and not binding in perpetuity.

26. In rebuttal, the applicant's traffic expert testified that some of the proposed conditions were impractical for the following reasons:

- (a) The H Street Ramp Modifications proposed by DPW ("ramping system") will cost approximately \$15,000,000.
- (b) The ramping system would result in a decrease in the capacity of the H Street Overpass from three lanes in each direction to two, for a total reduction of 33 percent. Given the anticipated growth in commuter traffic using H Street, the reduction in capacity cannot be justified on a regional basis.
- (c) A ramping system on the east side of the H Street Overpass as proposed by DPW is of limited value unless a similar ramping system is installed on the west side of the ramp and the old H Street Tunnel is reopened for public use to connect the two ramps.
- (d) The possibility of securing public access to the H Street Tunnel is extremely questionable given the numerous claims to that right-of-way by private groups, over which the applicant has no control, and AMTRAK's stated intention to retain the tunnel for private purposes.
- (e) Given that Station Place Drive will be the primary access for commuter cars and short-term delivery vehicles, the only vehicles that would use the ramping system would be trash removal vehicles and occasional moving vans, which can be scheduled during the off-peak hours. Therefore, less than 1 percent of all vehicles destined to the Site would use the proposed ramp.
- (f) The ramping system is extremely costly in relation to the potential value received in terms of traffic mitigating benefits and is founded on the uncertainty of obtaining use of the old H Street Tunnel as against the certainty of a 33 percent reduction in the existing ramp capacity. Given the disproportionality of cost vs. benefits, the absolute need for any such ramp has not been demonstrated.

CONSLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such special exception relief, the applicant must demonstrate substantial compliance with the provisions of Sub-sections 3108.1 and 2107 of the Zoning Regulations.

The Board concludes that the applicant has met the requisite burden of proof. The project is directly linked to the Metrorail system by way of its connection to Union Station. The number of parking spaces provided on-site exceeds the number of spaces normally required for office uses in commercial zone districts. The number of employees and visitors likely to be drawn to the site by the proposed use is likely to be less than that which would be generated by industrial purposes permitted in the C-M-3 District.

The availability of mass transit in the area, the limited amount of on-site parking, the construction of a new roadway, and other modifications to the existing transportation system will help to mitigate any adverse impacts on existing traffic congestion in the area. The applicant has established a transportation management plan which will remain in effect for the life of the building to encourage commuter use of mass transit and ride-sharing.

The Board further concludes that the special exception, as hereinafter conditioned, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore **ORDERED** that the application is **GRANTED SUBJECT** to the following **CONDITIONS**:

- 1) The Project shall be directly connected to Union Station, within which the Union Station Red Line Metrorail Station is located as shown on the plans marked as Exhibit No. 14 of the record;
- 2) The applicant shall implement the Transportation Management Plan identified in the application;
- 3) A direct connection to the H Street overpass shall be accomplished during the initial phase of the project to provide access to the site for construction workers and tenants and to serve as the primary automobile access/egress point throughout the life of the project;
- 4) Project-related traffic using the 2nd Street, N.E. garage entrance shall be limited to visitors and non-peak hour commuter traffic pursuant to terms and conditions finally agreed to by the applicant and DPW.

- 5) The applicant shall, at its own expense, implement the following roadway improvements as recommended by the DPW:
- a. Reopen the old F Street underpass between 1st and 2nd Streets, N.E. at the beginning of the development construction to provide access for construction vehicles. The underpass should be completed to D.C. Standards and open to public transportation (pedestrians and vehicles) prior to the occupancy of the first building.
 - b. Widen the 2nd Street, N.E. travelway on the west side between F and H Streets to a total of 44 feet as each building is occupied.
 - c. Construct a two lane, two directional ramp in the middle of H Street, from 3rd Street, N.E. to 2nd Street, N.E. to provide access to the previously H Street underpass. This ramp is to be completed and opened to traffic prior to the occupancy of the second building.
 - d. Station Place Drive shall be constructed in its permanent location and provide continuous access to traffic once it is open.

VOTE: 3-0 (Charles R. Norris, Paula L. Jewell and William F. McIntosh to grant; Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAY 17 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS.

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THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL NO. 15342

As Executive Director of the Board of Zoning Adjustment Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated MAY 17 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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EDWARD L. CURRY
Executive Director

DATE: _____